

CHAPTER SIX

DIVISION II PERMITS

Section 6-10 Division II Permit Procedure - Division II permits provide for the prompt but comprehensive review of what will normally be small developments with limited potential for adverse impact on the environment. Division II Permits are required for some residential uses such as home occupations, the change of uses within a land use category. (See Table 20-1 - Table of Permissible Uses), and Minor Subdivision requiring internal improvements.

- A. **Pre-Application Conference** - Filing of an application for a Division II permit must be preceded by a Pre-Application Conference with the staff and neighboring land owners. The developer must provide Public Notice (Section 4-35 - Notice of Public Hearings) to neighboring land owners prior to the Pre-Application Conference. The purpose of the Pre-Application Conference is to acquaint the neighbors with the nature of a proposed development, to give the neighbors a chance to express potential opposition and the developer a chance to assess their concerns and consider changes to accommodate the concerns, and to give staff time to provide assistance and acquaint the developer with requirements of the codes. Although required, the Pre-Application Conference is not regulatory, but is intended as a service to the developer and to resolve possible conflicts with the neighbors.
- B. **Filing** - An application containing all required information for a Division II permit may be filed with the staff at any time within one hundred twenty (120) days after the Pre-Application Conference but at least twenty (20) days before the hearing at which it is to be considered. All information must be filed with the department before a hearing date can be set. There will be no exceptions. The applicant must request a hearing date within one hundred twenty 120 days of the filing of an application. The filing fee for a Division II permit shall be two hundred fifty dollars (\$250.00) plus ten cents (\$.10) per square foot under roof, with a minimum of \$100.00, for all proposed structures to be built on the site. The square footage charge shall not apply to Home Occupations and Public Institutional uses. If the development or land use change is in violation of these codes when an application is applied for, the filing fee shall be doubled.

C. The Div II application MUST include the following:

1. Complete, concise legal description of the area in question. (This must be typed or a copy of an official document, i.e., abstract, warranty deed, tax record, etc.)
2. Verification of the date of recording. (New tracts of land recorded on or after February 1, 1993 may be subject to the requirements of the *Unified Development Codes* and require a separate permit.)
3. Real Property parcel number.
4. Application signed by owner or legal representative.
5. Verification of approved sewer system or individual waste water treatment system approved by the County Health Department or an evaluation of an existing system.
6. Plot plan drawn to scale showing; property lines, easements, existing structures, utility lines, roads, streams, irrigation or drainage structures, storm water detention, and prominent topographic features. This will be the preliminary plat.
7. Stormwater control calculations and plan; including slope of land in the area to be developed. (Refer to Section 19-10, D in order to determine if a plan will be required.)
8. Soil and Erosion Control Plan. (If required by Chapter 19).
9. Landscape and Buffering Plan. (If proposed, required in different land uses.)

D. Action - After holding a public hearing, the Planning and Zoning Commission shall issue a Division II land use permit by majority vote of members present, unless it concludes, based upon the information submitted at the hearing, that:

1. The requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
2. The application is incomplete, or
3. If completed as proposed, the development will not comply with one or more requirements of The Unified Development Codes, or
4. Will not be in general conformity with the Land Use Policies for Christian County, or
5. The development as proposed, will constitute a significant change in the land use and will create a significant impact on the surrounding area.

E. Evaluation - If after one public hearing, the Planning and Zoning Commission does not issue a Division II permit by majority vote, the development will be considered at the following meeting and evaluated using the Performance Criteria Evaluation Score Sheet. A Division II Permit will then be issued or denied following the evaluation procedures for a Division III Permit. (See Section 7-10, D - Action).

- F. **Notice** - The developer shall receive prompt written notice of the approval or denial of his or her application for a permit, including a complete copy of the decision of record. The Planning and Zoning Commission and County Commission shall receive a monthly summary of all Division II permit applications.

G. **Time Line for Division II Permit**

- _____ Bring stamped and addressed Public notices for Pre-application conference with sketch plan to the Planning & Zoning Department to be mailed by regular mail at least six (6) days before the Pre application Conference.
- _____ Pre-application Conference in Planning & Zoning Department with sketch plan.
- _____ File completed application with all required information (See Section 6-10, B - Filing) a minimum of twenty (20) days prior to the public hearing, and within one hundred and twenty (120) days of pre-application Conference. Pay filing fee.
- _____ Newspaper notice must run at least Fifteen (15) days prior to the hearing in the official County newspaper.
- _____ Bring addressed certified mail notices to the Planning and Zoning Department to be mailed to neighboring owners at least fifteen (15) days prior to the hearing and pay the Planning and Zoning department for the postage.
- _____ Property will be posted by staff at least fifteen (15) days prior to the hearing.
- _____ Copies of the application and staff report shall be sent to all Planning and Zoning Commission members at least (5) days before the hearing. A copy will be available for public inspection at the Planning and Zoning Commission's offices.
- _____ After a public hearing on the development. The Planning and Zoning Commission will approve or deny the permit based on the criteria in Section 6-10, D - Action.
- _____ The developer shall receive prompt notice of the approval or denial of the application for a permit including a complete copy of the decision of record.
- _____ Construction of a permitted development must begin one hundred and eighty (180) days after approval.
- _____ A Certificate of Occupancy must be issued before a development shall be occupied or operated.